

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

YARON KWELLER,

Plaintiff,

v.

**DEFENDANT SAMANTHA
HERCEG'S ANSWER WITH
AFFIRMATIVE DEFENSES**

Civil Action No.: 3:24-cv-1328
(DNH/ML)

**THE COUNTY OF BROOME, THE CITY OF
BINGHAMTON, THE BROOME COUNTY
DISTRICT ATTORNEY'S OFFICE, DISTRICT
ATTORNEY MICHAEL A. KORCHAK, CHIEF
ASSISTANT DISTRICT ATTORNEY MARK
LOUGHRAN, ASSISTANT DISTRICT ATTORNEY
ALYSSA CONGDON, ASSISTANT DISTRICT
ATTORNEY AMANDA CRONIN, DISTRICT
ATTORNEY INVESTIGATOR JEFF J. WAGNER,
BINGHAMTON POLICE DEPARTMENT CHIEF
JOSEPH ZIKUSKI, BINGHAMTON POLICE
DEPARTMENT CAPTAIN CORY MINOR,
BINGHAMTON POLICE DEPARTMENT
INVESTIGATOR AMANDA MILLER, all in their
individual capacities, and JOHN DOES 1-10,
representing Broome County District Attorney's Office
and Police Department Employees Whose Names Are
Currently Unknown, HAILEY DEMKOVICH, and
SAMANTHA HERCEG,**

Defendants.

Defendant, Samantha Herceg, by and through her attorneys, Bousquet Holstein PLLC, as
and for her Answer, states as follows:

1. DENIES the allegations contained in Paragraph 1 of the Complaint.
2. DENIES those allegations contained in Paragraph 2 of the Complaint that relate
specifically to Defendant Herceg and LACKS KNOWLEDGE OR INFORMATION sufficient to
form a belief as to the truth of each and every allegation other contained in said Paragraph.
3. DENIES the allegations contained in Paragraph 3 of the Complaint.

4. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 4 of the Complaint.

5. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 5 of the Complaint.

6. To the extent that the allegations set forth in Paragraph 6 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph

7. To the extent that the allegations set forth in Paragraph 7 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph

8. To the extent that the allegations set forth in Paragraph 8 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph

9. No response is required for paragraph 9 of the Complaint in that it merely demands a trial by Jury.

10. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 10 of the Complaint.

11. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 11 of the Complaint.

12. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 12 of the Complaint.

13. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 13 of the Complaint.

14. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 14 of the Complaint.

15. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 15 of the Complaint.

16. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 16 of the Complaint.

17. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 17 of the Complaint.

18. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 18 of the Complaint.

19. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 19 of the Complaint.

20. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 20 of the Complaint.

21. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 21 of the Complaint.

22. ADMITS the allegations contained in Paragraph 22 of the Complaint.

23. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 23 of the Complaint.

24. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 24 of the Complaint.

25. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 25 of the Complaint.

26. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 26 of the Complaint.

27. ADMITS the allegations contained in paragraph 27 of the Complaint to the extent that the stranger was Herceg, who was at Dillinger's with some friends. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

28. ADMITS the allegations contained in paragraph 28 of the Complaint to the extent that that Herceg went to Stone Fox at plaintiff's invitation and that plaintiff served Herceg alcohol even though she was only 19 years old. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

29. ADMITS the allegations contained in paragraph 29 of the Complaint to the extent that Plaintiff brought Herceg to his business office on Washington Street in Binghamton, New York. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

30. ADMITS the allegations contained in paragraph 30 of the Complaint to the extent that that Herceg texted friends on a text group and Defendant Demkovich was a member of the

text group. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

31. ADMIT that Defendant Herceg took at least two photographs of Mr. Rindgen and sent it to the text group. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 31 of the Complaint.

32. ADMITS the allegations contained in paragraph 32 of the Complaint to the extent that Herceg asked her friends to get her from the office on Washington Street. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

33. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 33 of the Complaint.

34. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 34 of the Complaint.

35. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 35 of the Complaint.

36. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 36 of the Complaint.

37. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 37 of the Complaint.

38. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 38 of the Complaint.

39. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 39 of the Complaint.

40. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 40 of the Complaint.

41. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 41 of the Complaint.

42. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 42 of the Complaint.

43. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 43 of the Complaint.

44. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 44 of the Complaint.

45. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 45 of the Complaint.

46. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 46 of the Complaint.

47. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 47 of the Complaint.

48. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 48 of the Complaint.

49. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 49 of the Complaint.

50. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 50 of the Complaint.

51. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 51 of the Complaint.

52. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 52 of the Complaint.

53. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 53 of the Complaint.

54. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 54 of the Complaint.

55. DENIES the allegations contained in Paragraph 55 of the Complaint.

56. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 56 of the Complaint.

57. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 57 of the Complaint.

58. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 58 of the Complaint.

59. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 59 of the Complaint.

60. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 60 of the Complaint.

61. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 61 of the Complaint.

62. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 62 of the Complaint.

63. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 63 of the Complaint.

64. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 64 of the Complaint.

65. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 65 of the Complaint.

66. DENIES the allegations contained in Paragraph 66 of the Complaint.

67. Defendant Herceg ADMITS that she exchanged text messages with Defendant Demkovich on November 27, 2021, and LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the remaining allegations contained in Paragraph 67 of the Complaint, as such allegations are vague and imprecise.

68. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68 of the Complaint and STATES Herceg does not have full and complete copies of texts.

- a. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.a. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- b. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.b. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- c. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.c. of the Complaint and STATES Herceg does not have full and complete copies of texts.

- d. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.d. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- e. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.e. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- f. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.f. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- g. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.g. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- h. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.h. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- i. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.i. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- j. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.j. of the Complaint and STATES Herceg does not have full and complete copies of texts.

- k. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.k. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- l. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.l. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- m. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.m. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- n. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.n. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- o. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.o. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- p. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.p. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- q. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.q. of the Complaint and STATES Herceg does not have full and complete copies of texts.

- r. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.r. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- s. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.s. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- t. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.t. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- u. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.u. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- v. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.v. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- w. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.w. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- x. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.x. of the Complaint and STATES Herceg does not have full and complete copies of texts.

- y. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.y. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- z. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.z. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- aa. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.aa. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- bb. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.bb. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- cc. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.cc. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- dd. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.dd. of the Complaint and STATES Herceg does not have full and complete copies of texts.
- ee. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.ee. of the Complaint and STATES Herceg does not have full and complete copies of texts.

ff. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 68.ff. of the Complaint and STATES Herceg does not have full and complete copies of texts.

69. ADMITS the allegations contained in paragraph 69 of the Complaint to the extent that Herceg reported she was raped, did not report "no" and that the New York State Police advised Herceg to contact the Binghamton Police Department. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

70. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 70 of the Complaint.

71. ADMITS the allegations contained in paragraph 71 of the Complaint to the extent that Herceg was interviewed. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

72. DENIES the allegations contained in Paragraph 72 of the Complaint.

73. DENIES the allegations contained in Paragraph 73 of the Complaint.

74. DENIES the allegations contained in paragraph 74 of the Complaint to the extent that Plaintiff alleges that the sex was consensual. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

75. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 75 of the Complaint.

76. DENIES the allegations contained in paragraph 74 of the Complaint to the extent that Plaintiff alleges that Herceg intentionally deleted texts. Defendant LACKS

INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

77. DENIES the allegations contained in Paragraph 77 of the Complaint.

78. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 78 of the Complaint.

79. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 79 of the Complaint.

80. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 80 of the Complaint.

81. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the content of footage and LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the rest of the allegations contained in Paragraph 81 of the Complaint.

82. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 82 of the Complaint.

83. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 83 of the Complaint.

84. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 84 of the Complaint.

85. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 85 of the Complaint.

86. Defendant Herceg ADMITS that she was never shown the footage from the Colonial, but LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the remaining allegations which are vague and imprecise/unclear.

87. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 87 of the Complaint.

88. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraphs 88 of the Complaint.

a. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraphs 88(a) of the Complaint.

b. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraphs 88(b) of the Complaint.

i. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraphs 88(b)(i) of the Complaint.

ii. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraphs 88(b)(ii) of the Complaint.

89. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 89 of the Complaint.

90. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 90 of the Complaint.

91. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 91 of the Complaint.

92. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 92 of the Complaint.

93. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 93 of the Complaint.

94. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 94 of the Complaint.

95. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 95 of the Complaint.

96. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 96 of the Complaint.

97. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 97 of the Complaint.

98. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 98 of the Complaint.

99. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 99 of the Complaint.

100. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 100 of the Complaint.

101. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 101 of the Complaint.

102. DENIES the allegations contained in paragraph 102 of the Complaint to the extent that Plaintiff alleges that Herceg's allegations were false. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

103. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 103 of the Complaint.

104. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 104 of the Complaint.

105. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 105 of the Complaint.

- a. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 105(a) of the Complaint.
- b. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 105(b) of the Complaint.
- c. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 105(c) of the Complaint.
- d. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 105(d) of the Complaint.
- e. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 105(e) of the Complaint.
- f. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 105(f) of the Complaint.
- g. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 105(g) of the Complaint.

106. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 106 of the Complaint.

107. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 107 of the Complaint.

108. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 108 of the Complaint.

109. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 109 of the Complaint.

110. DENIES the allegations contained in paragraph 110 of the Complaint to the extent that Plaintiff alleges that Herceg continued to refuse consensual access to Herceg's phone by BPD and BCDAO. Defendant LACKS KNOWLEDGE OR INFORMATION sufficient to form a belief as to the truth of each and every allegation other contained in said Paragraph.

111. DENIES the allegations contained in paragraph 111 of the Complaint to the extent that Plaintiff alleges that Herceg refused to consent to an extraction of electronic data from Herceg's cellular phone. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

112. DENIES the allegations contained in Paragraph 112 of the Complaint.

113. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 113 of the Complaint.

114. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 114 of the Complaint.

115. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 115 of the Complaint.

116. ADMITS the allegations contained in Paragraph 116 of the Complaint.

117. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 117 of the Complaint.

118. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 118 of the Complaint.

119. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 119 of the Complaint.

- a. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 119(a) of the Complaint.
- b. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 119(b) of the Complaint.
- c. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 119(c) of the Complaint.
- d. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 119(d) of the Complaint.
- e. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 119(e) of the Complaint.

120. DENIES the allegations contained in paragraph 120 of the Complaint to the extent that Plaintiff alleges that Herceg refused to consent to an extraction of electronic data from Herceg's phone or electronic data. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

121. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 121 of the Complaint.

122. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 122 of the Complaint.

123. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 123 of the Complaint.

124. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 124 of the Complaint.

125. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 125 of the Complaint.

126. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 126 of the Complaint.

127. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 127 of the Complaint.

128. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 128 of the Complaint.

129. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 129 of the Complaint.

130. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 130 of the Complaint.

131. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 131 of the Complaint.

132. To the extent that the allegations set forth in Paragraph 132 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to

the Court. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

133. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 133 of the Complaint.

134. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 134 of the Complaint.

135. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 135 of the Complaint.

136. To the extent that the allegations set forth in Paragraph 136 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

137. To the extent that the allegations set forth in Paragraph 137 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

138. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 138 of the Complaint.

139. To the extent that the allegations set forth in Paragraph 139 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR

INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

140. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 140 of the Complaint.

141. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 141 of the Complaint.

142. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 142 of the Complaint.

a. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 142(a) of the Complaint.

b. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 142(b) of the Complaint.

c. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 142(c) of the Complaint.

143. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 143 of the Complaint.

144. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 144 of the Complaint.

145. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 145 of the Complaint.

146. DENIES the allegations contained in paragraph 146 of the Complaint to the extent that Plaintiff alleges that Herceg's allegations were false. Defendant LACKS INFORMATION

SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph

147. DENIES those allegations contained in Paragraph 147 of the Complaint that relate specifically to Defendant Herceg and LACKS KNOWLEDGE OR INFORMATION sufficient to form a belief as to the truth of each and every allegation other contained in said Paragraph.

148. DENIES those allegations contained in Paragraph 148 of the Complaint that relate specifically to Defendant Herceg and LACKS KNOWLEDGE OR INFORMATION with respect to each and every other allegation contained in said Paragraph.

149. DENIES those allegations contained in Paragraph 148 of the Complaint that relate specifically to Defendant Herceg and LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

150. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 150 of the Complaint.

151. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 151 of the Complaint.

152. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 152 of the Complaint.

153. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 153 of the Complaint.

154. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 154 of the Complaint.

155. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 155 of the Complaint.

156. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 156 of the Complaint.

- a. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 156(a) of the Complaint.
- b. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 156(b) of the Complaint.
- c. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 156(c) of the Complaint.

157. To the extent that the allegations set forth in Paragraph 157 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

158. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 158 of the Complaint.

159. To the extent that the allegations set forth in Paragraph 159 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

160. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 160 of the Complaint.

161. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 161 of the Complaint.

- a. ADMITS the allegations contained in paragraph 161.a. of the Complaint to the extent that Herceg underwent forensic rape examination. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph
- b. ADMITS the allegations contained in paragraph 161.b. of the Complaint to the extent that that Herceg did not have sex intercourse for approximately one month prior to November 26th and 27th, 2021. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.
- c. DENIES the allegations contained in paragraph 161.c. of the Complaint to the extent that Herceg provided false information. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.
- d. DENIES the allegations contained in paragraph 161.d. of the Complaint to the extent that Herceg provided false information. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.
- e. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 161(e) of the Complaint.

162. DENIES the allegations contained in paragraph 162 of the Complaint to the extent that Plaintiff alleges that Herceg refused search of phone. Defendant LACKS INFORMATION

SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

163. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 163 of the Complaint.

164. ADMITS the allegations contained in paragraph 164 of the Complaint to the extent that that Herceg allowed imaging of Herceg's cellular phone. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph

165. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 165 of the Complaint.

166. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 166 of the Complaint.

167. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 167 of the Complaint.

168. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 168 of the Complaint.

169. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 169 of the Complaint.

170. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 170 of the Complaint.

171. ADMITS the allegations contained in paragraph 171 of the Complaint to the extent that Herceg obtained a new phone and a new icloud account. Defendant LACKS

INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph

172. DENIES the allegations contained in paragraph 172 of the Complaint to the extent that Plaintiff alleges that Defendant was certain that she did not have intercourse as alleged. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph.

173. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 173 of the Complaint.

174. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 174 of the Complaint.

175. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 175 of the Complaint.

176. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 176 of the Complaint.

177. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 177 of the Complaint.

178. To the extent that the allegations set forth in Paragraph 178 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

179. To the extent that the allegations set forth in Paragraph 179 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to

the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

180. To the extent that the allegations set forth in Paragraph 180 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

181. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 181 of the Complaint.

182. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 182 of the Complaint.

183. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 183 of the Complaint.

184. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 184 of the Complaint.

185. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 185 of the Complaint.

186. DENIES those allegations contained in Paragraph 186 of the Complaint that relate specifically to Defendant Herceg and LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the remaining allegations contained in Paragraph 186 of the Complaint.

187. To the extent that the allegations set forth in Paragraph 187 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to

the Court. To the extent that a response is required, Defendant DENIES those allegations contained in Paragraph 187 of the Complaint that relate specifically to Defendant Herceg and LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the remaining allegations contained in Paragraph 187 of the Complaint.

188. DENIES the allegations contained in paragraph 188 of the Complaint to the extent that Defendant's actions resulted in damages to Plaintiff. Defendant LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to each and every other allegation contained in said Paragraph

189. DENIES the allegations contained in Paragraph 189 of the Complaint.

190. DENIES the allegations contained in Paragraph 190 of the Complaint.

191. Defendant Herceg repeats, reiterates and realleges each and every response to Paragraphs 1 through 190 of the Complaint as if set forth at length herein.

192. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 192 of the Complaint.

193. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 193 of the Complaint.

194. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 194 of the Complaint.

195. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 195 of the Complaint.

196. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 196 of the Complaint.

197. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 197 of the Complaint.

198. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 198 of the Complaint.

199. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 199 of the Complaint.

200. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 200 of the Complaint.

201. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 201 of the Complaint.

202. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 202 of the Complaint.

203. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 203 of the Complaint.

204. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 204 of the Complaint.

205. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 205 of the Complaint.

206. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 206 of the Complaint.

207. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 207 of the Complaint.

208. To the extent that the allegations set forth in Paragraph 208 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

209. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 209 of the Complaint.

210. DENIES the allegations contained in Paragraph 210 of the Complaint.

211. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 211 of the Complaint.

212. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 212 of the Complaint.

213. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 213 of the Complaint.

214. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 214 of the Complaint.

215. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 215 of the Complaint.

216. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 216 of the Complaint.

217. DENIES the allegations contained in Paragraph 217 of the Complaint.

218. Defendant Herceg repeats, reiterates and realleges each and every response to Paragraphs 1 through 217 of the Complaint as if set forth at length herein.

219. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 219 of the Complaint.

220. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 220 of the Complaint.

221. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 221 of the Complaint.

222. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 222 of the Complaint.

223. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 223 of the Complaint.

224. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 224 of the Complaint.

225. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 225 of the Complaint.

226. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 226 of the Complaint.

227. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 227 of the Complaint.

228. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 228 of the Complaint.

229. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 229 of the Complaint.

230. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 230 of the Complaint.

231. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 231 of the Complaint.

232. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 232 of the Complaint.

233. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 233 of the Complaint.

234. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 234 of the Complaint.

235. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 235 of the Complaint.

236. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 236 of the Complaint.

237. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 237 of the Complaint.

238. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 238 of the Complaint.

239. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 239 of the Complaint.

240. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 240 of the Complaint.

241. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 241 of the Complaint.

242. To the extent that the allegations set forth in Paragraph 242 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

243. Defendant Herceg repeats, reiterates and realleges each and every response to Paragraphs 1 through 242 of the Complaint as if set forth at length herein.

244. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 244 of the Complaint.

245. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 245 of the Complaint.

246. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 246 of the Complaint.

247. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 247 of the Complaint.

248. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 248 of the Complaint.

249. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 249 of the Complaint.

250. To the extent that the allegations set forth in Paragraph 250 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to

the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

251. To the extent that the allegations set forth in Paragraph 251 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

252. To the extent that the allegations set forth in Paragraph 252 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

253. To the extent that the allegations set forth in Paragraph 253 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

254. To the extent that the allegations set forth in Paragraph 254 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

255. To the extent that the allegations set forth in Paragraph 255 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

256. To the extent that the allegations set forth in Paragraph 256 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

257. To the extent that the allegations set forth in Paragraph 257 of the Complaint contain conclusions of law to which no response is required, Defendant refers such allegations to the Court. To the extent that a response is required, Defendant LACKS KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF as to the truth or falsity of each and every allegation contained in said paragraph.

258. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 258 of the Complaint.

259. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 259 of the Complaint.

260. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 260 of the Complaint.

261. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 261 of the Complaint.

262. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 262 of the Complaint.

263. Defendant Herceg repeats, reiterates and realleges each and every response to Paragraphs 1 through 262 of the Complaint as if set forth at length herein.

264. DENIES the allegations contained in Paragraph 264 of the Complaint.

265. DENIES the allegations contained in Paragraph 265 of the Complaint.

a. DENIES the allegations contained in Paragraph 265(a) of the Complaint.

b. DENIES the allegations contained in Paragraph 265(b) of the Complaint.

c. DENIES the allegations contained in Paragraph 265(c) of the Complaint.

d. DENIES the allegations contained in Paragraph 265(d) of the Complaint.

262. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in the Second Paragraph 262 (following Paragraph 265(d)) of the Complaint.

266. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 266 of the Complaint.

267. Defendant Herceg repeats, reiterates and realleges each and every response to Paragraphs 1 through 266 of the Complaint as if set forth at length herein.

268. DENIES the allegations contained in Paragraph 268 of the Complaint.

269. DENIES the allegations contained in Paragraph 269 of the Complaint.

270. DENIES the allegations contained in Paragraph 270 of the Complaint.

271. DENIES the allegations contained in Paragraph 271 of the Complaint.

272. DENIES the allegations contained in Paragraph 272 of the Complaint.

273. DENIES the allegations contained in Paragraph 273 of the Complaint.

274. DENIES the allegations contained in Paragraph 274 of the Complaint.

275. DENIES the allegations contained in Paragraph 275 of the Complaint.

276. DENIES the allegations contained in Paragraph 276 of the Complaint.

277. DENIES the allegations contained in Paragraph 277 of the Complaint.

278. DENIES the allegations contained in Paragraph 278 of the Complaint.

279. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 279 of the Complaint.

280. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 280 of the Complaint.

281. Defendant Herceg repeats, reiterates and realleges each and every response to Paragraphs 1 through 280 of the Complaint as if set forth at length herein.

282. DENIES the allegations contained in Paragraph 282 of the Complaint.

283. DENIES the allegations contained in Paragraph 283 of the Complaint.

284. DENIES the allegations contained in Paragraph 284 of the Complaint.

285. DENIES the allegations contained in Paragraph 285 of the Complaint.

286. Defendant Herceg repeats, reiterates and realleges each and every response to Paragraphs 1 through 285 of the Complaint as if set forth at length herein.

287. DENIES the allegations contained in Paragraph 287 of the Complaint.

288. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 288 of the Complaint.

289. DENIES the allegations contained in Paragraph 289 of the Complaint.

290. Defendant Herceg repeats, reiterates and realleges each and every response to Paragraphs 1 through 289 of the Complaint as if set forth at length herein.

291. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 291 of the Complaint.

292. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 292 of the Complaint.

293. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 293 of the Complaint.

294. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 294 of the Complaint.

295. Defendant Herceg repeats, reiterates and realleges each and every response to Paragraphs 1 through 294 of the Complaint as if set forth at length herein.

296. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 296 of the Complaint.

297. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 297 of the Complaint.

298. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 298 of the Complaint.

299. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 299 of the Complaint.

300. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 300 of the Complaint.

301. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 301 of the Complaint.

302. LACKS INFORMATION SUFFICIENT TO FORM A BELIEF with respect to the allegations contained in Paragraph 302 of the Complaint.

GENERAL DENIAL

Defendant Herceg DENIES each and every allegation which is not admitted, denied, or otherwise responded to in this Answer and further DENIES any allegation(s) that she is liable in any way to Plaintiff.

AS AND FOR THE FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

AS AND FOR THE SECOND AFFIRMATIVE DEFENSE

Defendant Herceg is not a state actor and/or was not a joint participant in state action.

AS AND FOR THE THIRD AFFIRMATIVE DEFENSE

Defendant Herceg has absolute and/or qualified immunity as a witness in a judicial proceeding.

AS AND FOR THE FOURTH AFFIRMATIVE DEFENSE

Defendant Herceg did not owe a duty of care to Plaintiff.

AS AND FOR THE FIFTH AFFIRMATIVE DEFENSE

Defendant Herceg acted in good faith.

AS AND FOR THE SIXTH AFFIRMATIVE DEFENSE

Defendant Herceg lacked malice or malicious intent.

AS AND FOR THE SEVENTH AFFIRMATIVE DEFENSE

Defendant Herceg lacked deliberate indifference to the alleged constitutional violations asserted by Plaintiff.

AS AND FOR THE EIGHTH AFFIRMATIVE DEFENSE

The damages sustained by Plaintiff were entirely and/or substantially caused by the negligence or wrongdoing of a third person or third persons over whom Defendant Herceg had no control and/or for whose acts she was not responsible.

AS AND FOR THE NINTH AFFIRMATIVE DEFENSE

Plaintiff failed to mitigate his damages.

AS AND FOR THE TENTH AFFIRMATIVE DEFENSE

Any damages claimed by Plaintiff were not actually or proximately caused by an act or omission on the part of Defendant Herceg.

AS AND FOR THE ELEVENTH AFFIRMATIVE DEFENSE

There was no agreement or meeting of the minds between the Defendants to violate Plaintiff's constitutional rights.

AS AND FOR THE TWELFTH AFFIRMATIVE DEFENSE

Statements attributed to Defendant Herceg constitute communications made in the course of a judicial or quasi-judicial proceeding, and are therefore subject to an absolute or qualified privilege.

AS AND FOR THE THIRTEENTH AFFIRMATIVE DEFENSE

One or more of the causes of action asserted in the Complaint are barred under the applicable statute of limitations.

AS AND FOR THE FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff failed to serve a timely notice of claim.

AS AND FOR THE FIFTEENTH AFFIRMATIVE DEFENSE

One or more of Plaintiff's claims are barred or limited by the doctrines of release, collateral estoppel and/or waiver.

AS AND FOR THE SIXTEENTH AFFIRMATIVE DEFENSE

If the Court dismisses the federal claims against the responding Defendants, then it lacks jurisdiction over the subject matter of the state law claims.

AS AND FOR THE SEVENTEENTH AFFIRMATIVE DEFENSE

One of more of the causes of action asserted in the Complaint is duplicative and should be stricken.

AS AND FOR THE EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiff is collaterally estopped from asserting one or more of his claims on the grounds that the grand jury indicted Plaintiff for the crimes charged in the underlying criminal proceeding and thereby determined that probable cause existed for such crimes.

JURY DEMAND

Defendant Herceg demands a trial by jury.

RESERVATION OF RIGHTS

Defendant Herceg reserves her right to amend her Answer and supplement the foregoing defenses and raise additional defenses or to assert counterclaims or crossclaims, without waiver, that may become apparent through the course of this litigation to the fullest extent allowed by law or equity.

Dated: January 17, 2025

BOUSQUET HOLSTEIN PLLC

By: /s/ Kavitha Janardhan
Kavitha Janardhan, Esq.
Bar Roll Number: 519962
Lawrence M. Ordway, Jr., Esq.
Bar Roll Number: 509310

Attorneys for Defendant Samantha Herceg
Office and Post Office Address
110 West Fayette Street, Suite 1000
Syracuse, New York 13202
Telephone: (315) 422-1500

THE FAST LAW FIRM, P.C.

Attn: Elena Fast
521 Fifth Avenue 17th Floor
New York, NY 10175
Elena@fastlawpc.Com
Attorneys for Plaintiff Yaron Kweller

CUOMO LLC

Attn: Oscar Michelen
200 Old Country Road, Suite 2 South
Mineola, NY 11501
Omichelen@cuomollc.Com
Attorneys for Plaintiff Yaron Kweller

NEWIRTH LAW PLLC

Attn: Karen A. Newirth
43 West 43rd Street, Suite 160
New York, NY 10036
Karen@newirth-Law.Com
Attorneys for Plaintiff Yaron Kweller

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2025, I caused the foregoing Answer of Samantha Herceg to be filed with the CM/ECF system which sent notification of such filing to the following:

BARCLAY DAMON LLC

Attn: Robert A. Barrer
125 East Jefferson Street
Syracuse, NY 13202
*Attorneys for Defendants Michael A. Korchak
and Mark Loughran*

THE FAST LAW FIRM, P.C.

Attn: Elena Fast
521 Fifth Avenue 17th Floor
New York, NY 10175
Elena@fastlawpc.Com
Attorneys for Plaintiff Yaron Kweller

CUOMO LLC

Attn: Oscar Michelen
200 Old Country Road, Suite 2 South
Mineola, NY 11501
Omichelen@cuomollc.Com
Attorneys for Plaintiff Yaron Kweller

NEWIRTH LAW PLLC

Attn: Karen A. Newirth
43 West 43rd Street, Suite 160
New York, NY 10036
Karen@newirth-Law.Com
Attorneys for Plaintiff Yaron Kweller

**WHITEMAN OSTERMAN & HANNA
LLP**

Attn: Conor Lynch, Gabriella Levine,
William S. Nolan
One Commerce Plaza
Albany, NY 12260
Wnolan@woh.Com
Glevine@woh.Com
Wnolan@woh.Com

*Attorneys for Defendants City of
Binghamton,
Police Chief Joseph T. Zikuski,
Captain Cory Minor and Detective Amanda
Miller*

**LAW OFFICE OF EDWARD E.
KOPKO**

Attn: Edward E. Kopko
202 East State Street, Suite 403
Ithaca, NY 14850
Office@kopkolaw.com
Attorneys for Defendant Hailey Demkovich

HACKER MURPHY LLC

Attn: James C. Knox
28 Second Street
Troy, New York 12180
Attorneys for Defendant Alyssa Congdon

/s/ Kavitha Janardhan

Kavitha Janardhan, Esq.
Bar Roll Number: 519962
Lawrence M. Ordway, Jr., Esq.
Bar Roll Number: 509310

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